

SIXTY-THIRD DAY—Continued

(Legislative Tuesday Continued.
Calendar Thursday, April 26, 1945)

The Senate met at 10:30 o'clock a. m., and was called to order by the President.

Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time:

Austin, Texas,
April 24, 1945,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 328, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BULLOCK, Chairman.

April 24, 1945,
Austin, Texas,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 846, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,
April 24, 1945,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 667, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,
April 24, 1945,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 238, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BULLOCK, Chairman.

Austin, Texas,
April 24, 1945,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 693, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,
April 24, 1945,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 424, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BULLOCK, Chairman.

Austin, Texas,
April 24, 1945,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 538, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,
April 24, 1945,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 788, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BULLOCK, Chairman.

Austin, Texas,
April 24, 1945,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 474, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

“(a) The Commissioners’ Court is hereby authorized when in their judgment the financial condition of the county and the needs of the officers justify the increase to enter an order increasing the compensation of the precinct, county and district officers in an additional amount not to exceed twenty-five (25%) per cent of the sum allowed under the law for the

fiscal year of 1944, provided the total compensation authorized under the law for the fiscal year of 1944 did not exceed the sum of Thirty-six Hundred (\$3,600.00) Dollars."

Section 2. That Article 3902, Revised Civil Statutes of Texas, 1925, as amended, be and the same is hereby amended by adding thereto the following:

"9. The Commissioners' Court is hereby authorized when in their judgment the financial condition of the county and the needs of the deputies, assistants and clerks of any district, county or precinct officer justify the increase, to enter an order increasing the compensation of such deputy, assistant or clerk in an additional amount not to exceed twenty-five (25%) per cent of the sum allowed under the law for the fiscal year of 1944, provided the total compensation authorized under the law for the fiscal year of 1944 did not exceed Thirty-six Hundred (\$3,600.00) Dollars."

Section 3. That Section 13 of Article 3912e, Revised Civil Statutes of Texas, 1925, as amended, be and the same is hereby amended by adding thereto the following:

"(e) The Commissioners' Court is hereby authorized when in their judgment the financial condition of the county and the needs of the officers justify the increase to enter an order increasing the compensation of the precinct, county and district officers in an additional amount not to exceed twenty-five (25%) per cent of the sum allowed under the law for the fiscal year of 1944, provided the total compensation authorized under the law for the fiscal year of 1944 did not exceed the sum of Thirty-six Hundred (\$3,600.00) Dollars."

Section 4. That Section 15 of Article 3912e, Revised Civil Statutes of Texas, 1925, as amended, be and the same is hereby amended by adding thereto the following:

"(b) The Commissioners' Court is hereby authorized when in their judgment the financial condition of the county and the needs of the officers justify the increase to enter an order increasing the compensation of the precinct, county and district officers in an additional amount not to exceed twenty-five (25%) per cent of the sum allowed under the law for the fiscal year of 1944, provided the total compensation authorized under the law for the fiscal year of 1944 did

not exceed the sum of Thirty-six Hundred (\$3,600.00) Dollars."

Section 5. That Section 2 of Article 3934, Revised Civil Statutes of Texas, 1925, be and the same is hereby in all things repealed and all laws or parts of laws in conflict with the provisions of this Act are hereby repealed in so far as they conflict.

Section 6. The fact that the cost of living is rising and the purchasing power of the dollar is decreasing, and that wages and salaries in private industry have increased to an extent that public officers and employees continue in their offices at a sacrifice in many instances, and the further fact of the crowded condition of the Calendar, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(Action on the report was deferred until its publication in the Journal.)

House Concurrent Resolution 62

Senator Stanford called up for consideration at this time:

H. C. R. No. 62, Suspending the Joint Rules to permit the House to consider House Bill No. 642 as a special order on Thursday, April 26, 1945.

On motion of Senator Stanford, the resolution was considered immediately and was adopted.

Senate Resolution 66

(Address By Staff Sergeant Charles Evans)

Senator Moore offered the following resolution:

Whereas S./Sgt. Charles Evans is a United States Marine Combat Correspondent who spent seventeen months in the Pacific with the Third Marine Division; and

Whereas, Many of his graphic dispatches about Texas Marines have appeared in the Austin American and Statesman; and

Whereas, He is a former Houston Chronicle reporter whose writings is well-known in Texas; and

Whereas, He has returned to Texas and is now Marine Publicity Sergeant for South Texas; and

Whereas, He is now in Austin on Special Assignment and has completed a series of articles on the Naval Training Unit at the University of Texas; and

Whereas, He is now in the Senate Chamber; now therefore, be it

Resolved, By the Senate of Texas that S./Sgt. Evans be given the privilege of the Senate Floor and be invited to address the Senate.

The resolution was read and was adopted.

In accordance with the above resolution, the President appointed Senators Moore, Taylor and Spears to escort Sergeant Evans to the President's rostrum.

The committee having performed its duty, the President presented Senator Moore who then introduced Staff Sergeant Charles Evans to the Senate.

Sergeant Evans then addressed the Senate briefly.

Senate Resolution 67

(Address by Captain Kyle Vick)

Senator Aikin, by unanimous consent, offered the following resolution:

Whereas, Captain Kyle Vick, Jr., son of our distinguished colleague, Senator Kyle Vick, is a visitor in the Capitol; and

Whereas, Captain Vick has served in the Air Transport Command in the India China Burma Theater, African and European Theaters and is serving now as pilot for General Tom Hardin; and

Whereas, He is being transferred to a Pacific Theater; now, therefore, be it

Resolved, That Captain Kyle Vick, Jr., be cordially invited to visit with us, and that he be invited to address the Senate, and that we are delighted to have him.

The resolution was read and was adopted.

In accordance with the above resolution, the President appointed Senators Aikin, Vick and Taylor to escort Captain Kyle Vick, accompanied by Staff Sergeant Willard F. Brackenridge to the President's rostrum.

The committee having performed its duty, the President presented Senator Aikin who introduced Captain Vick to the Senate.

Captain Vick then addressed the Senate briefly.

The President then presented Staff Sergeant Brackenridge, who also addressed the Senate briefly.

Committee Substitute House Joint Resolution 13 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. J. R. No. 13, relating to assistance for the aged, on its passage to third reading.

Senator Taylor offered the following amendment to the resolution:

Amend Committee Substitute H. J. R. No. 13 as follows:

On line 44, page 1 of the printed bill after the word "that," add the following word: "Sections."

The amendment was adopted.

Senator Taylor offered the following amendment to the resolution:

Amend H. J. R. No. 13 by striking out the comma after the word "application" on line 59 of page one (1) of the printed Committee Substitute by adding the following:

"; providing that the maximum payment per month per person from State funds shall not be more than twenty dollars (\$20.00) per month."

The amendment was adopted.

Senator Taylor offered the following amendment to the resolution:

Amend Committee Substitute H. J. R. No. 13 as follows:

On line 59 of the printed bill strike out the period after the word "application" and add thereto the following:

" , or to any person who has made an assignment or transfer of property so as to render himself eligible for assistance."

The amendment was adopted.

Senator Taylor offered the following amendment to the resolution:

Amend Committee Substitute H. J. R. No. 13 as follows:

On line 59 of the printed bill strike out the period after the word "application" and add thereto the following:

" , or to any person who fails to utilize all of his resources, including all property except a "resident" homestead occupied by him as a home."

The amendment was adopted.

Senator Taylor offered the following amendment to the resolution:

Amend Committee Substitute H. J. R. No. 13 as follows:

On line 59 of the printed bill strike out the period after the word "application" and add thereto the following:

"or to any person owning real property who is unwilling to place a lien against same, to become effective upon his death, for the purpose of reimbursing the State of Texas in the full amount of assistance granted or to be granted."

The amendment was adopted.

Senator Chadick offered the following amendment to the resolution as amended:

Amend Committee Substitute as amended House Joint Resolution No. 13 by striking out all below the resolving clause and inserting in lieu thereof the following:

"Section 1. That Section 51b of Article III of the Constitution of the State of Texas be amended and changed to read as follows:

"The Legislature shall have the power by general laws to provide, under such limitations and restrictions and regulations as may be deemed by the Legislature expedient, for old-age assistance and for the payment of same not to exceed Twenty Dollars (\$20.00) per month each to actual bona fide citizens of Texas who are over the age of sixty-five (65) years; provided that no habitual criminal, and no habitual drunkard while such habitual drunkard, and no inmate of any State supported institution, while such inmate, shall be eligible for such old-age assistance; provided further that the requirements for length of time of actual residence in Texas shall never be less than five (5) years during the nine (9) years immediately preceding the application for old-age assistance and continuously for one (1) year immediately preceding such application.

"The Legislature shall have authority to accept from the Government of the United States such financial aid for old-age assistance as that Government may offer not inconsistent with the restrictions hereinbefore provided.

"Section 2. The foregoing Constitutional Amendment shall be submitted to the vote of the qualified electors of this State at an election to be held throughout the State on the fourth

Saturday in August, A. D. 1945, at which all ballots shall have printed thereon:

"FOR the Constitutional Amendment increasing old-age assistance payments so as to not exceed \$20.00 each" and

"AGAINST the Constitutional Amendment increasing old-age assistance payments so as not to exceed \$20.00 each."

"Each voter shall scratch out one of said clauses on the ballot, leaving the one expressing his vote on the proposed Constitutional Amendment.

"Section 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and shall have the same published and held as required by the Constitution for Amendments thereto.

"The provisions of this Constitutional Amendment shall be self enacting, and if a majority of votes at said election shall be cast for same the Governor shall, within thirty (30) days after said election, issue a proclamation declaring this Amendment to be a part of the Constitution of Texas.

"Section 4. The sum of Five Thousand (\$5,000) Dollars, or so much thereof that may be necessary, is hereby appropriated out of any funds of the Treasury of the State, not otherwise appropriated, to pay the expenses of said publication and election."

Senator Taylor raised the following point of order against consideration of the amendment:

I raise the point of order to the Amendment by Senator Chadick that the content of the Resolution is the same or substantially the same as original H. J. R. No. 13, which was killed in the Senate Committee by the adoption of a substitute therefor, and that by virtue of Section 34, of Article 3, of the Constitution of Texas, it cannot again be considered this session,

TAYLOR.

Recess

Pending the President's consideration of the point of order raised by Senator Taylor, Senator Spears moved that the Senate recess to 2:30 o'clock p. m., today.

The motion prevailed.

Accordingly, the Senate, at 11:50 o'clock a. m., took recess to 2:30 o'clock p. m. today.

Whereas, although Major General Fred L. Walker was born in Ohio, his love for his adopted State of Texas is unbounded and well known. His service in Texas early in his Army career gave him a fondness for this great State, and the men of the 36th Division, a National Guard Division from the Lone Star State, displayed their heartfelt affection for him when he left them to assume command of the Infantry School at Fort Benning, Georgia. General Walker did not want to leave his men, and they did not want to lose him. They were worn and haggard after more than

a month of fighting and chasing Field Marshal Albert Kesselring's troops for 250 miles. However, on the same hallowed ground where the famed 36th Division established its beachhead at Salerno, the troops of the 36th Infantry (Texas) Division unfurled the stars and stripes and the red flag of Texas with its lone white star as he made his farewell remarks and voiced a heartfelt "well done" to his soldiers, same being the greatest praise that soldiers can receive from their commander. Then they proudly but solemnly and with tears in their eyes passed in review before him; and

Whereas, Major General Fred L. Walker's first service in the Army was with the 13th Infantry at San Antonio, Texas, and in the Philippine Islands. He returned to the United States in November 1914; was assigned to the 17th Infantry for border patrol duty at Camp Eagle Pass, Texas, and joined the punitive expedition into Mexico from April 1916, to February 1917. Later he was on duty at El Paso, Texas, with the 17th Infantry. Receiving promotions to 1st Lieutenant on July 1, 1916, and to Captain on May 15, 1917, he moved with the 17th Infantry from El Paso to Fort McPherson, Georgia, in March 1917, and to Fort Oglethorpe, Georgia, the following August. He joined the 30th Infantry at Camp Greene, North Carolina in January 1918, and sailed with the 30th (Old Hickory) Division to France two months later. With the 3d Division he participated in the Aisne-Marne and Campagne-Marne defense, and the Aisne-Marne; the St. Mihiel, and Meuse-Argonne offensives. He received temporary promotion to Major on June 7, 1918. Wounded in action on July 21, 1918, he later received the Purple Heart and for meritorious service, the Oak Leaf Cluster to the Purple Heart; and

Whereas, this distinguished adopted son of Texas was awarded the Distinguished Service Cross for extraordinary heroism near the Marne on July 15, 1918. According to the citation, Major General Walker's battalion, (he being at that time a Battalion Commander) faced the principal shock of the German attack on the French Army Corps front along a sector of the Marne front, but his

battalion managed to inflict great and enormous losses on the enemy as the latter crossed the river. Among other things his citation for heroism on this particular occasion, said this:

"Those who succeeded in crossing the river were thrown in such confusion that they were unable to follow the barrage; and, through the effective leadership of this officer, no Germans remained in the sector south of the river at the end of the day's action"; and

Whereas, the officers and men of the 36th Infantry (Texas) Division, both past and present, are desirous of honoring their former illustrious Commander and would like to present to the Senate of the State of Texas a painted portrait of Major General Fred L. Walker to forever keep alive the memory of a man who not only endeared himself to the officers and men of the 36th Infantry (Texas) Division because of his outstanding example of courage and leadership, but also because he was to each officer and man a friend.

Now, therefore, be it resolved by the Senate of the State of Texas that on Monday, April 30, 1945, at the hour of 11:30 A. M. an appropriate ceremony be held in the Senate Chamber at which time the portrait of Major General Fred L. Walker be presented to and accepted by the Senate of the State of Texas on behalf of the officers and men of the 36th Infantry (Texas) Division; and

Be it further resolved that Major General Fred L. Walker, the illustrious and former Commanding General of the 36th Infantry (Texas) Division be invited to be present and attend the ceremony as a guest of the Senate of Texas on this particular occasion; and

Be it further resolved that the President of the Senate appoint a Committee of five members of the Senate to make preparations and arrangements for this ceremony to be held at the time designated, and that the Secretary of the Senate be instructed to forward a copy of this Resolution to Major General Fred L. Walker, Commandant of the Infantry School at Fort Benning, Georgia.

TAYLOR
SPEARS

The resolution was read and was adopted.

Senate Resolution 69

Senator Moore, by unanimous consent, offered the following resolution:

Whereas, the place of insertion of the Amendment by Moore to House Bill No. 54, adopted by the Senate on April 25, 1945, was determined by reference to the Bill as printed by the House; Now, therefore,

Be it resolved by the Senate of Texas that the Secretary of the Senate is instructed to so inform the House and its Enrolling Clerk in order that there may be no confusion in enrolling the Bill.

The resolution was read and was adopted.

Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time:

Austin, Texas,
April 24, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We your Committee on Judicial Districts to whom was referred H. B. No. 574 have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VICK, Chairman.

Austin, Texas,
April 24, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 694 have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman

Austin, Texas,
April 26, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 257 have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Message from the Governor

The following message, received from the Governor today, was laid before the Senate, read and referred to the Committee on Nominations of the Governor:

Austin, Texas,
April 25, 1945.

To the Senate of the Forty-Ninth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be a Member of the Board of Regents, State Teachers Colleges, for terms expiring January 10, 1951:

William L. Kerr of Midland, Midland County (On April 19, 1945, I submitted a message to the Senate appointing Henry T. Fletcher of Presidio County as a Member of the Board of Regents, State Teachers Colleges. Mr. Fletcher in a telegram dated April 22, 1945, declined the appointment. Copy of telegram is attached.)

To be Associate Justice of the Court of Civil Appeals for the Seventh Supreme Judicial District to fill the unexpired term of Honorable Clayton Heare, resigned, term to begin immediately upon qualification:

Major William Q. Boyce of Amarillo, Potter County (On March 26, 1945, I submitted a message to the Senate appointing Honorable Tom Garrard to this place. Mr. Garrard in a letter dated April 13, 1945, declined the appointment. Copy of letter is attached.)

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Tahoka, Texas,
April 13, 1945.

Governor Coke R. Stevenson

Austin, Texas

Dear Governor:

Confirming my telephone conversation with you of this morning. I've been out of the Hospital for a week or more but still taking treatment. When you notified me of my appointment as Associate Justice Court of Civil Appeals Amarillo, I was the happiest person in these parts but I have decided that due to my health and that of my wife it would be wise for me to decline the appointment. My wife is so involved here that she can not go

with and look after me and the matter of eating just any where would put me back in bed or incapacitated to do the work and not wanting to leave her alone and the matter of having to run back and forth is more than I can physically stand. If I am to be sick I want to be at home among friends.

I feel the most profound gratitude to you for tendering me this place and to the Senate for confirming me and it is the most bitter dose I ever had to take to decline the honor but after serious consideration I feel that I should do so and give you the opportunity to appoint another.

Sincerely your friend always,
(Signed) **TOM GARRARD**

1945 APR 22 AM 9 55

Governor Coke Stevenson
Austin, Texas

It is with much regret that I must decline the appointment as Regent of State Teachers College unsolicited on my part. You have my thanks for the confidence expressed. I deplore any trouble caused you in this matter letter follows.

H T FLETCHER

Austin, Texas,
April 26, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Members of the Board of Directors of the Lower Colorado River Authority for terms expiring January 1, 1951:

Thomas C. Ferguson of Burnett County.

R. D. Wright of Wharton County.

Ben McElhinney of Colorado County.

Respectfully submitted,
COKE STEVENSON,
Governor of Texas.

**Committee Substitute
House Joint Resolution 13 On Passage
To Third Reading**

The Senate resumed consideration of pending business, same being Committee Substitute House Joint Resolution No. 13, relating to payment of old-age assistance on its passage to third reading; an amendment by Senator Chadick having been offered to the resolution, and a point of order against

consideration of the amendment having been raised by Senator Taylor.

Senator Chadick withdrew the pending amendment.

Senator Chadick offered the following amendment to the resolution as amended:

Amend Committee Substitute, as amended for House Joint Resolution No. 13, by striking out all below the resolving clause and inserting in lieu thereof the following:

"Section 1. That Section 51-b of Article III of the Constitution of the State of Texas be amended and changed to read as follows:

"The Legislature shall have the power by general laws to provide, under such limitations and restrictions and regulations as may be deemed by the Legislature expedient, for old-age assistance, and for the payment of same not to exceed Twenty Dollars (\$20.00) per month each to actual bona fide citizens who are over the age of sixty-five (65) years; provided that no habitual criminal, and no habitual drunkard, while such habitual drunkard, and no inmate of any State supported institution, while such inmate, shall be eligible for such old-age assistance; provided further that the requirements for length of time of actual residence in Texas shall never be less than five (5) years during the nine (9) years immediately preceding the application for old-age assistance, and continuously for (1) year immediately preceding such application.

"The Legislature is empowered and authorized to make laws fixing a lien in favor of the State upon homesteads and other property of recipients of old-age assistance, and requiring natural and adopted children to support parents, with such limitations as the Legislature may deem proper.

"The Legislature shall have authority to accept from the Government of the United States such financial aid for old-age assistance as the Government may offer not inconsistent with the restrictions hereinbefore provided.

"Section 2. The foregoing Constitutional Amendment shall be submitted to the vote of the qualified electors of this State at an election to be held throughout the State on the fourth Saturday in August, A. D., 1945, at which all ballots shall have printed thereon:

"FOR the Constitutional Amend-

ment increasing old-age assistance payments so as not to exceed \$20.00 each," and

"AGAINST the Constitutional Amendment increasing old-age assistance payments so as not to exceed \$20.00 each."

"Each voter shall scratch out one of said clauses on the ballot, leaving the one expressing his vote on the proposed Constitutional Amendment.

"Section 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and shall have the same published and held as required by the Constitution for Amendments thereto.

"If a majority of votes at said election shall be cast for this Constitutional Amendment the Governor shall, within thirty (30) days after said election, issue a proclamation declaring this Amendment to be a part of the Constitution of Texas.

"Section 4. The sum of Five Thousand (\$5,000.00) Dollars, or so much thereof that may be necessary, is hereby appropriated out of any funds of the Treasury of the State, not otherwise appropriated, to pay the expenses of said publication and election."

Senator Martin offered the following amendment to the amendment:

Amend Chadick amendment to C. S. H. J. R. No. 13 by striking out paragraph two Sec. 1, which begins with the following language:

"The Legislature is empowered and authorized to make laws fixing a lien, etc." and insert in lieu thereof the following:

Any person owning real property who is not willing or who refuses to grant a lien on any real property which he or she may own to become enforceable on death for the purpose of reimbursing the State of Texas in the full amount of the assistance granted or to be granted shall be ineligible to receive assistance under the authority of this constitutional amendment.

Senator Chadick moved to table the amendment to the amendment.

The motion to table prevailed by the following vote:

Yeas—14

Aikin	Crawford
Brown	Graves
Chadick	Jones

Knight
Lane
Metcalf
Moffett

Parrish
Stanford
Sulak
Vick

Nays—9

Bullock
Hazlewood
Lanning
Martin
Moore

Shivers
Stone
Taylor
Winfield

Absent

Mauritz

Spears

Absent—Excused

York

Kelley

Paired

Senator Morris (present), who would vote "yea" with Senator Carney (absent), who would vote "nay."

Senator Ramsey (present), who would vote "yea" with Senator Weinert (absent), who would vote "nay."

Senator Morris offered the following amendment to the amendment:

Amend the Chadick amendment to H. J. R. No. 13 by striking out the first four (4) lines on page two (2) and substituting in lieu thereof the following:

"FOR the Constitutional Amendment increasing old-age assistance payments so as not to exceed \$20.00 each and authorizing the Legislature to levy additional taxes for the purpose of paying the increase."

"AGAINST the Constitutional Amendment increasing old-age assistance payments so as not to exceed \$20.00 each and authorizing the Legislature to levy additional taxes for the purpose of paying the increase."

Senator Vick offered the following substitute for the amendment to the amendment:

Amend H. J. R. No. 13 by striking out that portion of the Resolution which recites the wording of the ballot and by inserting in lieu thereof in the respective place the following:

"FOR the amendment to the Constitution giving the Legislature the power to set up a system of payments of old age assistance to those needy persons above sixty-five (65) years of age; providing that the monthly payment from State funds to any one person may be in varying amounts

based on need, and that the maximum payment per month per person from State funds shall not be more than twenty dollars (\$20); under certain legislative restrictions providing for the acceptance of funds from the Federal Government; providing that habitual criminals, habitual drunkards, and inmates of a State Institution shall not be eligible for old age assistance; and providing conditions as to residence within the State in order to become eligible to receive old age assistance" and authorizing the Legislature to levy additional taxes for the purpose of paying this increase."

and

"AGAINST the amendment to the Constitution giving the Legislature the power to set up a system of payments of old age assistance to those needy persons above sixty-five (65) years of age; providing that the monthly payment from State funds to any one person may be in varying amounts based on need, and that the maximum payment per month per person from State funds shall not be more than twenty dollars (\$20) under certain legislative restrictions providing for the acceptance of funds from the Federal Government; providing that habitual criminal, habitual drunkards, and inmates of a State institution shall not be eligible for old age assistance; and providing conditions as to residence within the State in order to become eligible to receive old age assistance and authorizing the Legislature to levy additional taxes for the purpose of paying this increase."

The substitute for the amendment was adopted.

Question recurring on the amendment to the amendment as substituted, it was adopted.

Senator Taylor moved to table the amendment by Senator Chadick as amended.

Yeas and nays were demanded and the motion to table was lost by the following vote:

Yeas—9

Bullock	Moore
Hazlewood	Stone
Lanning	Taylor
Martin	Winfield
Mauritz	

Nays—13

Aikin	Brown
-------	-------

Chadick	Metcalf
Crawford	Moffett
Graves	Stanford
Jones	Sulak
Knight	Vick
Lane	

Absent

Parrish	Spears
Shivers	

Absent—Excused

Kelley	York
--------	------

Paired

Senator Morris (present), who would vote "nay" with Senator Carney (absent), who would vote "yea."

Senator Ramsey (present), who would vote "nay" with Senator Weinert (absent), who would vote "yea."

Question recurring on the amendment by Senator Chadick as amended, yeas and nays were demanded.

The amendment as amended was adopted by the following vote:

Yeas—14

Aikin	Lane
Brown	Metcalf
Chadick	Moffett
Crawford	Parrish
Graves	Stanford
Jones	Sulak
Knight	Vick

Nays—9

Bullock	Moore
Hazlewood	Stone
Lanning	Taylor
Martin	Winfield
Mauritz	

Absent

Shivers	Spears
---------	--------

Absent—Excused

Kelley	York
--------	------

Paired

Senator Morris (present), who would vote "nay" with Senator Carney (absent), who would vote "yea."

Senator Ramsey (present), who would vote "yea" with Senator Weinert (absent), who would vote "nay."

Senator Morris moved the previous question on the passage of the resolu-

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Taylor
Martin	Vick
Mauritz	Winfield
Metcalf	

Absent—Excused

Carney	Weinert
Kelley	York

House Bill 790 on Second Reading

On motion of Senator Metcalfe, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

H. B. No. 790, A bill to be entitled "An Act providing for a closed season on deer in Bastrop County for a period of five (5) years; providing a suitable penalty for violation of this Act; repealing all conflicting laws; and declaring an emergency."

The President laid the bill before the Senate on its second reading.

The bill was read second time and was passed to third reading.

House Bill 790 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 790 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Jones
Brown	Knight
Bullock	Lane
Chadick	Lanning
Crawford	Martin
Graves	Mauritz
Hazlewood	Metcalf

Moffett	Stanford
Moore	Stone
Morris	Sulak
Parrish	Taylor
Ramsey	Vick
Shivers	Winfield
Spears	

Absent—Excused

Carney	Weinert
Kelley	York

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Taylor
Martin	Vick
Mauritz	Winfield
Metcalf	

Absent—Excused

Carney	Weinert
Kelley	York

Senate Bill on First Reading

By unanimous consent, the following emergency appropriation bill was introduced, read first time and referred to the Committee on Finance:

By Senator Lanning:

Senate Bill No. 332, A bill to be entitled An Act making appropriations to pay deficiency appropriations granted by the Governor prior to January 1, 1945, and for which no appropriations have heretofore been made; and declaring an emergency."

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 26, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

The House has concurred in Senate Amendments to House Bill No. 554 by a voice vote.

S. B. No. 148, A bill to be entitled "An Act amending Article 2675b, Section 5 (f) of Acts, 1929, 41st Legislature, 2nd Called Session, Chapter 10, increasing the membership of the Textbook Committee, defining qualifications for membership, outlining the duties of the Committee, fixing the compensation of Textbook Committee members, and declaring an emergency."

S. B. No. 193, Authorizing the County Judge to employ a stenographer or clerk in any county having a population of not less than ten thousand, two hundred fifty (10,250) inhabitants, and not more than ten thousand, three hundred fifty (10,350) inhabitants according to the last preceding Federal Census.

The House has concurred in Senate amendments to House Bill No. 217 by a vote 114 yeas.

The House has concurred in Senate amendments to House Bill No. 139 by a vote of 119 yeas.

The House has concurred in Senate amendments to House Bill No. 630 by a vote of 11 yeas, 3 noes.

S. B. No. 98, A bill to be entitled An Act appropriating the sum of \$250.00 or so much thereof as may be necessary to satisfy, according to the terms thereof, the judgment rendered against the State of Texas, in favor of C. O. Keiffer, in Cause No. 1405, in Justice Peace Court, Precinct No. 2, Wood County, Texas; such judgment having become final and no appeal taken therefrom by any party to the action; and declaring an emergency.

The House has concurred in Senate amendments to House Bill No. 502 by voice vote.

The House refused to concur in Senate Amendments to House Bill No. 215 and has requested the appointment of a conference committee to consider the differences between the two houses.

The following conferees were appointed on the part of the House:

Morgan, Manford, Winfree, Jones of Bosque, Moore of Red River.

S. B. No. 184, A bill to be entitled "An Act to increase the maximum gross load limit on commercial motor vehicles and combinations thereof from thirty-eight thousand (38,000) pounds to forty-eight thousand (48,000) pounds and, as thus amended, to re-enact Section 5, Chapter 42, General Laws of the State of Texas, Forty-first Legislature, Second Called Session, as amended by Section 5, Session, Forty-second Legislature, Chapter 282, Acts of the Regular regulating the gross load of commercial motor vehicles and combinations thereof; limiting the weight per inch of tire upon any wheel concentrated upon surface of the highway; limiting the load that may be transported upon any wheel of any such vehicle or combination thereof; limiting the load that may be transported upon any axle of such vehicle or combination thereof; repealing all laws in conflict herewith; and declaring an emergency."

(With amendment).

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives

Report of Conference Committee on
Senate Joint Resolution 7

Senator Moffett submitted at this time, and asked to have printed in the Journal, the following report:

Austin, Texas,
April 26, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on S. J. R. No. 7, have had same under consideration and beg leave to report it back to the Senate and the House, with the recommendation that said resolution be adopted in the form hereto attached.

Respectfully submitted.

MOFFETT
METCALFE
LANE
MARTIN

On the part of the Senate;

On the part of the House.

Proposing an amendment to Article VI of the Constitution of Texas providing that any person, in the armed forces of the United States, or the Armed Force Reserve of the United States, or of any branch or component part thereof, or the United States Maritime Service, or the United States Merchant Marine, or who has been a member of same within eighteen months prior to the holding of any election in this United States authorized by law, and is otherwise a qualified voter, shall not be required to pay, or to hold a receipt for the payment of, a poll tax in order to vote at any such election, if same is held while the United States is at war or within a certain stated time thereafter; providing that members of the regular Army, Navy, or Marine Corps of the United States shall not be permitted to vote; providing that other members of the armed forces shall be entitled to vote under certain conditions; providing the form of the ballot for voting on said proposed amendment; fixing the time for holding an election; directing the Governor to issue the necessary proclamations; and making an appropriation.

Section 1. There shall be submitted to the qualified voters of the State of Texas the matter of amending Article VI, of the Constitution of Texas, by adding thereto a new section which will modify the present restrictions concerning voting. This new section shall be inserted between Sections 2 and Section 3 of said Article VI, and shall be known as Section 2a, and shall read as follows:

Reserve of the United States, or of any branch or component part of such armed forces or Armed Force Reserve, or the United States Maritime Service or the United States Merchant Marine, and who is otherwise a qualified voter under the laws and Constitution of this state, to pay a poll tax or to hold a receipt for any poll tax assessed against him, as a condition precedent to his right to vote in any election held under the authority of the laws of this State, during the time the United States is engaged in fighting a war, or within one year after the close of the calendar year in which said war is terminated.

“Provided, however, that the foregoing provisions of this Section do not confer the right to vote upon any person who is a member of the regular establishment of the United States Army, Navy, or Marine Corps; and provided, further, that all persons in the armed forces of the United States, or the component branches thereof, not members of the regular establishment of the United States Army, Navy, or Marine Corps, are hereby declared not to be disqualified from voting by reason of any provision of sub-section “Fifth” of Section 1, of this Article.”

Section 2. The foregoing Constitutional amendment shall be submitted to a vote of the qualified electors of this State on August 25, 1945, at which election all voters favoring said proposed amendment shall write or have printed on their ballots the following:

“FOR the amendment to Article VI, of the Constitution of Texas, providing that any person, in the armed forces of the United States, or the Armed Force Reserve of the United States, or of any branch or component part thereof or of the United States maritime Service, or the United States Merchant Marine, or who has been a member of same within eighteen months prior to the holding of any election in this State authorized by law, and is otherwise a qualified voter, shall not be required to pay, or to hold a receipt for the payment of, a poll tax in order to vote at any such election, if same is held while the United States is at war or within a certain stated time thereafter.”

Those opposed to such amendment

shall have written or printed on their ballots the following:

"AGAINST the amendment to Article VI, of the Constitution of Texas, providing that any person, in the armed forces of the United States, or the Armed Force Reserve of the United States, or of any branch or component part thereof, or of the United States Maritime Service, or the United States Merchant Marine, or who has been a member of same within eighteen months prior to the holding of any election in this State authorized by law, and is otherwise a qualified voter, shall not be required to pay, or to hold a receipt for the payment of, a poll tax in order to vote at any such election, if same is held while the United States is at war or within a certain stated time thereafter."

Sec. 3. The Governor shall issue the necessary proclamations relating to the publication of the foregoing Resolution, in the various counties of the State, and shall cause the same to be published as required by the statutes and the Constitution in connection with the submission of proposed amendments to the Constitution, to the people for their action at a statewide election. If it shall appear from the returns of the election at which the foregoing amendment to the Constitution is voted upon that a majority of the qualified voters have voted for said amendment, same shall then become a part of the Constitution of Texas.

Sec. 4. There is hereby appropriated out of the General Fund of the State of Texas, not otherwise appropriated, the sum of Fifteen Thousand Dollars (\$15,000), or so much thereof as may be necessary, to pay the expenses of advertising said Resolution in each county in the State and for such other purposes as may be necessary, or required by law, or by the Constitution.

Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time:

Austin, Texas,
April 26, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 646, have had the same

under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

April 26, 1945.
Austin, Texas,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Stock and Stock raising, to whom was referred H. B. No. 729, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Chairman.

April 26, 1945.
Austin, Texas,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred H. B. No. 730, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Chairman.

April 26, 1945.
Austin, Texas,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 31, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

VICK, Chairman.

April 26, 1945.
Austin, Texas,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 125, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

VICK, Chairman.

Austin, Texas,
April 26, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred H. B. No. 121, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

VICK, Chairman.

House Concurrent Resolutions Referred

The following resolutions, received from the House today, were laid before the Senate and were read and referred to the committees indicated:

H. C. R. No. 64, to Committee on State Affairs.

H. C. R. No. 60, to Committee on State Affairs.

H. C. R. No. 57, to Committee on State Affairs.

Bills and Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following bills and resolution:

S. B. No. 114, "An Act amending Section 18, of S. B. No. 135, Acts of the Regular Session of the 48th Legislature so as to extend for an additional two years the provisions of such S. B. No. 135; and declaring an emergency."

H. B. No. 502, "An Act amending Section 12 of Article 4732 of the Revised Civil Statutes of Texas 1925, as amended by House Bill No. 166, Chapter 364, Acts 48th Legislature, Regular Session, 1943, page 639, making the Act cumulative; repealing all laws and part of laws in conflict herewith and declaring an emergency."

H. B. No. 156, "An Act making an appropriation from the State Treasury for the support of the State Department of Education, Main Office, for stationery, printing, supplies, postage and contingent expenses; Board of Examiners for seasonal examiners; and Radio and Visual Education, for contingent expense, totaling fourteen thousand seven hundred and eighty-seven dollars (\$14,787.00) for the fiscal year ending August 31, 1945."

H. C. R. No. 62, Relative to considering H. B. No. 641 as a special order on Thursday, April 26, 1945, at 11:15 o'clock a. m.

H. C. R. No. 63, Congratulating the Hon. Jack Danciger upon receiving

the order of the Aztec Eagle, the highest decoration awarded by the Government of Mexico.

Adjournment

Senator Winfield moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Senator Vick moved that the Senate adjourn until 10:15 o'clock a. m., tomorrow.

Question first recurring on the motion of Senator Vick that the Senate adjourn until 10:15 o'clock a. m., tomorrow, it prevailed.

The Senate, accordingly, at 4:15 o'clock p. m., adjourned until 10:15 o'clock a. m., tomorrow.

SIXTY-FOURTH DAY

(Friday, April 27, 1945)

The Senate met at 10:15 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Taylor
Martin	Vick
Mauritz	Winfield
Metcalf	

A quorum was announced present.

The Rev. J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Carney, Kelley and Weinert were granted leaves of absence for today on account of important business on motion of Senator Lane.

Senator York was granted leave of absence for today on account of illness on motion of Senator Lane.